

### **REMARKS**

Claims 1-4, 7-11, and 20 are amended, no claims are canceled, and no claims are added; as a result, claims 1-20 are now pending in this application.

The following is intended as a full and complete response to the Final Office Action dated June 25, 2009, and the Advisory Action mailed September 16, 2009. Claims 1-20 were examined. The Examiner rejected claims 1-3 and 5-20 under 35 USC § 102(e) as being anticipated by Candelore (U.S. Patent No. 6,363,149). The Examiner rejected claim 4 under 35 USC § 103(a) as being unpatentable over Candelore in view of Thexton (U.S. Patent No. 6,772,435). Applicants respectfully request reconsideration and withdrawal of these rejections for the reasons discussed below.

#### **§ 102 Rejection of the Claims**

Although Applicants do not agree with the arguments provided by the Examiner in the Advisory Action, in order to move prosecution forward claim 1 has been amended to recite that the range of time-stamp values has a starting point kept at a predetermined distance prior to a time value corresponding to when the entitlement management message is sent and that the starting point advances with the time value corresponding to when the entitlement management message is sent. Support for these amendments may be found on page 3, lines 13-15, of the present application. Candelore does not teach or suggest these limitations.

In column 11, lines 34-49, Candelore discloses a method of creating one entitlement control message (ECM) with a plurality of keys. According to this method, first, a plurality of keys are created. Next, one or more time periods are assigned to each key. Then a single ECM is created containing the plurality of keys along with the time periods assigned to them. While Candelore does disclose that each time period may be a past time period, he does not teach or suggest that the starting point of the time range is at a predetermined distance prior to a time value of time stamps distributed concurrently with an entitlement management message (EMM) and that the starting point advances with the time value of the time stamps distributed concurrently with the EMM, as recited in amended claim 1.

The language of claim 1 that “the range is kept at a predetermined distance” and that “the starting point advances with the time value of the time stamps distributed concurrently with the EMM” shows that when two EMMs would be sent, the range included in each EMM

would have a starting point at a predetermined distance prior to when the respective EMM is sent. As described on page 3, lines 13-18, of the present application, this feature may be realized by, for example, regularly sending updates to the secure device to update the range, or by maintaining an advancing current time value in the secure device and testing the values of the time stamps relative to that current time value. Candelore is silent about this feature.

As the foregoing illustrates, the limitation of the range of time-stamp values having a starting point kept at a predetermined distance prior to a time value corresponding to when the entitlement management message is sent and the limitation of the starting point advancing with the time value corresponding to when the entitlement management message is sent are not taught in Candelore. For this reason, Applicant submits that claim 1 is in condition for allowance and requests that the 102 rejection be withdrawn.

Independent claims 7, 9, 10, and 20 have been amended to recite limitations similar to those of claim 1. Therefore, these claims are in condition for allowance for the same reasons. Claims 2-6, 8, and 11-19 are dependent from allowable claims 1, 7, and 10, and, therefore, are also in condition for allowance.

#### Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Based on the above remarks, Applicants believe that they have overcome all of the rejections set forth in the Final Office Action dated June 25, 2009 and maintained in the Advisory Action mailed September 16, 2009, and respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (408) 278-4051 to facilitate prosecution of this application.

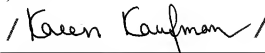
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date October 19, 2009

By



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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19th day of October, 2009.

CHERYL L. KNAPP

Name

  
Signature